

# SEN. WEBB'S NATIONAL CRIMINAL JUSTICE COMMISSION ACT OF 2009

March 2009

## SUMMARY

The **National Criminal Justice Commission Act of 2009**, introduced by Senator Jim Webb on March 26, 2009, will create a blue-ribbon commission charged with undertaking an 18-month, top-to-bottom review of our entire criminal justice system. Its task will be to propose concrete, wide-ranging reforms designed to responsibly reduce the overall incarceration rate; improve federal and local responses to international and domestic gang violence; restructure our approach to drug policy; improve the treatment of mental illness; improve prison administration; and establish a system for reintegrating ex-offenders.

## WHY THIS LEGISLATION IS URGENTLY NEEDED

- The United States has by far the world's highest incarceration rate. With five percent of the world's population, our country now houses twenty-five percent of the world's reported prisoners. More than 2.38 million Americans are now in prison, and another 5 million remain on probation or parole.
- Our prison population has skyrocketed over the past two decades as we have incarcerated more people for non-violent crimes and acts driven by mental illness or drug dependence.
- The costs to our federal, state, and local governments of keeping repeat offenders in the criminal justice system continue to grow during a time of increasingly tight budgets.
- Existing practices too often incarcerate people who do not belong in prison and distract from locking up the more serious, violent offenders who are a threat to our communities.
- Transnational criminal activity, much of it directed by violent gangs and cartels from Latin America, Asia and Europe, has permeated the country. Mexican cartels alone now operate in more than 230 communities across the country.
- Mass incarceration of illegal drug users has not curtailed drug usage. The multi-billion dollar illegal drugs industry remains intact, with more dangerous drugs continuing to reach our streets.
- Incarceration for drug crimes has had a disproportionate impact on minority communities, despite virtually identical levels of drug use across racial and ethnic lines.
- Post-incarceration re-entry programs are haphazard and often nonexistent, undermining public safety and making it extremely difficult for ex-offenders to become full, contributing members of society.

## LEGISLATION: REVIEW AND FINDINGS

***The Commission shall review all areas of Federal and State criminal justice practices and make specific findings, to include an examination of:***

- Reasons for increase in the U.S. incarceration rate compared to historical standards
- Incarceration and other policies in similar democratic, western countries

- Prison administration policies, including the availability of pre-employment training programs and career progression for guards and prison administrators
- Costs of current incarceration policies at the federal, state & local level
- The impact of gang activities, including foreign syndicates
- Drug policy and its impact on incarceration, crime and sentencing
- Policies as they relate to the mentally ill
- The historical role of the military in crime prevention and border security
- Any other area that the Commission deems relevant

## LEGISLATION: DUTIES OF THE COMMISSION

*The Commission shall make recommendations for policy changes designed to:*

- Re-focus incarceration policies to reduce the overall incarceration rate while preserving public safety, cost-effectiveness, and societal fairness
- Decrease prison violence
- Improve prison administration, including competence & career enhancement of administrators
- Establish meaningful re-entry programs for ex-offenders
- Reform our nation's drug policies
- Improve treatment of the mentally ill
- Improve responses to international & domestic criminal activity by gangs & cartels
- Reform any other aspect of the system the Commission determines necessary

## CO-SPONSORS, SUPPORTERS

The **National Criminal Justice Commission Act of 2009** has already garnered wide support from Senate leadership, the Senate Judiciary Committee, and the Obama Administration.

## MATERIALS & RESOURCES

- **JEC Hearing, “Mass Incarceration in the United States: At What Cost?”** conducted by Senator Webb, October 2007:  
[http://jec.senate.gov/index.cfm?FuseAction=Hearings.HearingsCalendar&ContentRecord\\_id=7a22e2ab-7e9c-9af9-7bb7-4a1b88554f61&Region\\_id=&Issue\\_id=](http://jec.senate.gov/index.cfm?FuseAction=Hearings.HearingsCalendar&ContentRecord_id=7a22e2ab-7e9c-9af9-7bb7-4a1b88554f61&Region_id=&Issue_id=)
- **JEC Hearing, “Illegal Drugs: Economic Impact, Societal Costs, and Policy Responses,”** conducted by Senator Webb, June 2008:  
[http://jec.senate.gov/index.cfm?FuseAction=Hearings.HearingsCalendar&ContentRecord\\_id=9d0729b4-eeef-2b3e-7931-fb353bebe2a8&Region\\_id=&Issue\\_id=](http://jec.senate.gov/index.cfm?FuseAction=Hearings.HearingsCalendar&ContentRecord_id=9d0729b4-eeef-2b3e-7931-fb353bebe2a8&Region_id=&Issue_id=)
- **George Mason University Symposium, “Drugs in America: Trafficking, Sentencing and Policy,”** hosted by Senator Webb and the GMU Administration of Justice Department, October 2008: <http://webb.senate.gov/symp/Symposium.html>
- **Senator Webb’s Keynote Address to the Brookings Institution’s Policy Roundtable on the Challenges to Prisoner Re-Entry, December 2008:**  
<http://webb.senate.gov/newsroom/record.cfm?id=305502&>